

REMARKS

1. Claim Amendments.

Claim 1 has been amended to capture the embodiments in which the sophorolipids fermented from *Candida bombicola* are formulated for administration to take advantage of the spermicidal and virucidal properties. Support for this amendment can be found on page 9, lines 20-25 of the Specification as originally filed. No new matter has been added.

Claim 2 has been amended to capture the embodiments in which the sophorolipids are combined with known antiviral or spermicidal agents and formulated for administration to take advantage of the spermicidal and virucidal properties. Support for this amendment can be found on page 10, lines 1-20 of the Specification as originally filed. No new matter has been added.

Claim 3 has been amended to capture the embodiments in which the sophorolipid esters are formulated for administration to take advantage of the antifungal properties. Support for this amendment can be found on page 5 of the Specification as originally filed. No new matter has been added.

Claim 4 has been cancelled.

Claims 5 - 7 have been amended to clarify the claimed sophorolipid by removing the term "based". No new matter has been added.

Claim 8 has been amended to positively connect the sophorolipids esters to the method as claimed in Claim 1. No new matter has been added.

Claims 9 - 11 have been cancelled

Claim 12 has been amended to positively connect the sophorolipids esters to the method as claimed in Claim 3. No new matter has been added.

Claims 13 - 27 have been withdrawn as directed to a non-elected species.

Claims 28 - 30 have been amended to clarify that it is the excipient that is being claimed. No new matter has been added.

Claims 31 - 32 have been cancelled.

Claims 33 - 54 have been withdrawn as directed to a non-elected species.

Claims 55 - 57 have been added to capture aspects of certain embodiments of the invention. Support for these claims can be found in the Specification as originally filed, e.g. on page 8. No new matter has been added.

No new matter has been added by any of these amendments.

2. 35 USC 101 and 112 Rejections.

Claims 1 - 12 and 28 - 31 have been rejected under 35 USC 101 and 35 USC 112 for reciting both methods steps and passive use steps. Applicant has amended the claims to delete the use step (c) in Claims 1-3, which obviates these rejections. Further, Applicant has amended the claims to further clarify that Applicant is claiming a process. Applicant submits that the scope of the claims is not altered by this deletion.

3. 35 USC 102 Rejections.

Claims 1-6 and 9 have been rejected under 35 USC 102(a) as being anticipated by the Bisht reference. In view of Applicant's amendments, Applicant submits that these rejections are moot.

The Bisht reference does not disclose a method for producing sophorolipid esters that are formulated to be dispensed or applied to kill or inhibit sperm or viruses. Specifically, the examiner has at most shown that certain sophorolipids are known in the art and can be acylated enzymatically. However, the examiner has not shown that the Bisht reference suggests that these esters can be formulated as a dispensable composition. Further, as the original claims included this use, Applicant submits that no new search is necessary. As such, Applicant requests that the examiner withdraw this rejection in view of Applicant's amendment.

4. Provisional Double Patenting Rejection.

Should this patent application be allowed, Applicant will provide appropriate terminal disclaimers or other remarks at that time to address any double patenting rejection.

CONCLUSION

The patent application now is in condition for allowance and issuance. If the examiner has any final concerns that can be addressed over the telephone, please have the examiner contact the below-signed patent lawyer of record to expedite the issuance of the patent.

SMITH, GAMBRELL & RUSSELL, LLP

By: 

Laurence P. Colton
Reg. No. 33,371

SMITH, GAMBRELL & RUSSELL, LLP
1230 Peachtree Street, NE, Suite 3100
Atlanta GA 30309

Tel: 404.815.3681
Fax: 404.685.6981
Email: lcolton@sgrlaw.com